

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON, Plaintiff, v. AMERISOURCEBERGEN DRUG CORPORATION, et al., Defendants.	Civil Action No. 3:17-01362 Hon. David A. Faber
CABELL COUNTY COMMISSION, Plaintiff, v. AMERISOURCEBERGEN DRUG CORPORATION, et al., Defendants.	Civil Action No. 3:17-01655 Hon. David A. Faber

ORDER

On January 12, 2021, the Court referred to Special Master Christopher C. Wilkes the Motion of Nonparties University Physicians & Surgeons, Inc., and the Marshall University Board of Governors for Award of Expenses Incurred in Responding to Third Party Discovery (the “Motion”). On January 20, 2021, the parties, along with nonparties Marshall University Board of Governors and University Physicians & Surgeons, Inc. (“Movants”), participated in a supervised conference with the Special Master regarding the Motion. It now is ORDERED as follows:

(1) Movants promptly will provide the Special Master and Respondents AmerisourceBergen Drug Corp., McKesson Corp., and Cardinal Health, Inc. (“Respondents”), a fully itemized listing of expenses for which Movants seek reimbursement. For each itemized

expense, the listing will (i) identify the subpoena or subpoenas that Movants assert gave rise to that expense; (ii) state whether Movants assert that the expense was incurred as a result of their compliance with the Agreed Discovery Ruling that the Special Master entered July 8, 2020 (the “Agreed Discovery Ruling”) (Dkt. No. 680); and (iii) state whether the expense arose from document collection or production or instead from some other category of discovery task.

(2) After Movants produce this itemized listing of expenses, Movants and Respondents promptly will confer in good faith to attempt to resolve the claims raised in the Motion.

(3) Not later than 10 days after Movants produce the listing of expenses specified above, Movants and Respondents will inform the Special Master of whether they have resolved the claims raised in the Motion.

(4) If Movants and Respondents are unable to resolve the claims raised in the Motion, Movant and Respondents will, within 10 days of notifying the Special Master that they have not reached a resolution, submit to the Special Master proposed findings and recommendations regarding the Motion. The Clerk is directed to transmit copies of this Order to those counsel of record who have registered to receive an electronic NEF.

IT IS SO ORDERED.

Enter: January 25, 2021

/s/ Christopher C. Wilkes
Special Master